

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

PASTOR ANTONIO POUERIET,

Defendant.

16-CR-299 (CS)

ORDER

CATHY SEIBEL, District Judge:

On September 20, 2016, Defendant Pastor Antonio Poueriet was sentenced principally to a term of imprisonment of 108 months for his conviction for conspiracy to distribute more than 100 grams of heroin. (ECF No. 47.)

The Probation Department has determined that Defendant is eligible for an adjustment of his sentencing guidelines range based on Amendment 821 to the Sentencing Guidelines. (ECF No. 49.) That Amendment eliminated the provision that applied two criminal history points for committing the instant offense while under supervision for a previous conviction, and was made retroactive pursuant to U.S.S.G. § 1B1.10(d), (e)(2).

On December 27, 2023, I directed the Government to state its position no later than January 4, 2024, and directed Federal Defenders to respond on Defendant's behalf by January 18, 2024 if the Government opposed a sentence reduction. (ECF No. 50.) On January 4, 2024, the Government advised that it did not oppose the reduction. (ECF No. 53.)

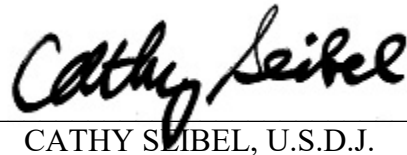
Defendant's original Sentencing Guidelines range was 108-135 months, based on an offense level of 29 and a criminal history category of III. His Guidelines range would now be 97-121 months, based on an offense level of 29 and a criminal history category of II.

I have considered the record in this case and the factors set forth in 18 U.S.C. § 3553(a), as required by 18 U.S.C. § 3582(c). While Defendant's 2016 conduct in conspiring to distribute approximately 4 kilograms of heroin was inexcusable, especially because he had completed a ten-year federal sentence for cocaine trafficking and been deported in 2011, his Guidelines range would be lower if he were sentenced today, he will in any event be deported upon completion of his sentence, and he can expect much more prison time should he return to this country during his five-year period of supervised release or thereafter.

It is therefor ORDERED that the defendant's term of imprisonment is reduced to 97 months' imprisonment, effective February 1, 2024. All other components of the sentence remain as originally imposed.

SO ORDERED.

Dated: January 5, 2024
White Plains, New York



CATHY SEIBEL, U.S.D.J.